

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

Ashton Rhodes and Maggie Rhodes,  
Plaintiffs

v.

Civil No. 14-2928

[Removed from Shelby County  
Circuit Court, No. CT-003472-14]

Dr. Joyce Liu and  
Christ Community Health Services, Inc.  
Defendants.

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NOTICE OF REMOVAL FROM STATE COURT

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The United States of America, on behalf of defendants Christ Community Health Services, Inc. (CCHS) and Dr. Joyce Liu petitions the Court as follows:

1. The Plaintiffs seek damages against CCHS and Dr. Liu for injuries allegedly sustained as a result of medical malpractice.

2. At all relevant times, CCHS, its agents and employees, including Dr. Liu, were deemed to be employees of the United States Public Health Service, pursuant to 42 U.S.C. § 233(g).

Attached collectively as Exhibit 1 are the relevant notices from the United States Department of Health and Human Services, Public Health Service, wherein CCHS, its agents and employees are deemed to be employees of that federal agency. CCHS, its agents and employees, including Dr. Liu, were acting within the scope of federal employment at all relevant times. See attached as Exhibit 2, the certification made pursuant to 28 C.F.R. § 15.4.

3. Pursuant to 42 U.S.C. § 233(a) and (c), this action is removable to this court, where it shall be deemed a tort action brought against the United States under the provisions of 28 U.S.C. §§ 1346(b) and 2672.

4. Pursuant to 42 U.S.C. § 233(a) and 28 U.S.C. § 1346(b), this Court has original and exclusive jurisdiction in this matter. Contemporaneously with this Notice, the United States is filing a motion to substitute itself for CCHS and Dr. Liu.

5. The United States has attached as Exhibit 3 copies of the Summons and Complaint, along with other pleadings, received by the United States.

WHEREFORE, the United States respectfully requests that this action now pending in the Shelby County Circuit Court, No. CT-0003472-14, Division V, be removed to the United States District Court for the Western District of Tennessee.

Respectfully submitted,  
Edward L. Stanton, III  
United States Attorney

s/ William W. Siler (BPR #7194)  
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CERTIFICATE OF SERVICE

I, William W. Siler, Assistant U.S. Attorney, certify that the foregoing has been electronically filed on this date. I further certify a true and correct copy of the foregoing has been served by regular mail to the following:

Kathryn Maceri  
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s/ William W. Siler  
Assistant United States Attorney

Date: December 2, 2014